



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ronald W. Kazmierczak, Regional Director

Oshkosh Service Center
905 Bay Shore Drive., P.O. Box 2565
Oshkosh, Wisconsin 54903
TELEPHONE 920-424-3050
FAX 920-424-4404

October 1, 1999

Mr. Richard Brodnan
P.O. Box 644
Waupaca WI 54981

SUBJECT: Rich's Amoco, Waupaca WI
BRRTS ID# 03-69-111471

Former SuperAmerica
BRRTS ID# 03-69-001954

Dear Mr. Brodnan:

On April 23, 1999 the Department sent you a Conditional Closure letter for Rich's Amoco. This letter required the filing of a Groundwater Use Restriction on the property deed, a draft of which was included with the letter. The Department has not received a copy of the filed restriction.

The Department requires that the restriction be filed with Waupaca County and proof of filing submitted to this office by October 22, 1999. Failure to file the restriction by this date will be taken as a rejection of the Conditional Closure decision and a workplan with sampling and maintenance schedule for the monitoring wells at this site will be required.

Additionally at the time of conditional closure the Former SuperAmerica site was reopened based on site investigation data from Rich's Amoco. The Department has not received a workplan for site investigation and remediation as of this date. The Department understands that you have been in contact with SuperAmerica regarding the contamination however as the property owner you are responsible for investigation and remediation of this site. By October 29, 1999 you must hire a consultant for this project and have them submit a workplan for site investigation activities.

The Department is willing to work with you in any way within our own responsibilities to the State of Wisconsin, however, if a satisfactory reply is not received regarding the issues in this letter enforcement action may be taken.

If you have information regarding the above requirements which has not been submitted to the Department please feel free to contact me at 920-424-7890.

Sincerely,

Kevin D. McKnight
Hydrogeologist
Bureau for Remediation and Redevelopment

Cc: file

Andrew Delforge, REI, 4080 N. 20th Ave., Wausau WI 54401



609706



VOL 979 PAGE 240
STATE BAR OF WISCONSIN FORM 2 - 1998
WARRANTY DEED

Document Number

This Deed, made between Richard J. Brodnan, Jr.and Casimir Borszowski

Grantor.

Grantee.

Grantor, for a valuable consideration, conveys and warrants to Grantee the following described real estate in Waupaca County, State of Wisconsin:

REGISTERS OFFICE
WAUPACA COUNTY, WI
RECEIVED FOR RECORD

JUN 13 2000

At 8:00 o'clock AM on June day of 2000
In Vol. 979 of Map Page 240
Julia M. Rapp Register

TRANSFER FEE
PAID IN FULL
240 -

Recording Fee

Name and Return Address

Steven D. Shambeau
P.O. Box 111
Waupaca, WI 54981

34-30-11-33

Parcel Identification Number (PIN)

This is not homestead property.
X (is not)

Lot 2 of Certified Survey Map No. 4968 recorded in the office of the Register of Deeds for Waupaca County, Wisconsin on November 17, 1998 in Volume 16 of Certified Survey Maps on page 31, as Document No. 584895; being all of Lots 1, 2, 9 and 10, Block 2, Original Plat of the Village (now City) of Waupaca, Waupaca County, Wisconsin, located in the Northeast 1/4 of the Northeast 1/4 of Section 30, Township 22 North, Range 12 East, also being all of Certified Survey Map No. 1451 recorded in Volume 4 of Certified Survey Maps on page 425, and vacated alley. SUBJECT TO the covenants, not to use or permit use of the property conveyed hereby for the operation of a grocery store, convenience store, or for the sale or storage of petroleum products, all for a period of twenty (20) years from the date hereof. Such covenants shall run with the land and be binding upon GRANTEE and GRANTEE's heirs, personal representatives and assigns.

Exceptions to warranties: Subject to easements, covenants and restrictions of record.

Dated this 6th day of June, 2000

(SEAL)

* _____

(SEAL)

* _____

Richard J. Brodnan, Jr. (SEAL)

* Richard J. Brodnan, Jr._____
(SEAL)

* _____

AUTHENTICATION

Signature(s) Richard J. Brodnan, Jr.

authenticated this 6th day of June, 2000

Steven D. Shambeau

* Steven D. Shambeau

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____)

authorized by §706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Attorney Steven D. ShambeauWaupaca, WI 54981

(Signatures may be authenticated or acknowledged. Both are not necessary.)

* Names of persons signing in any capacity must be typed or printed below their signature.

ACKNOWLEDGMENT

State of Wisconsin,

County,

ss.

Personally came before me this _____ day of _____, the above named

_____ to me known to be the person _____ who executed the foregoing instrument and acknowledge the same.

* _____
Notary Public, State of Wisconsin
My commission is permanent. (If not, state expiration date: _____)

[illegible]

GROUNDWATER USE RESTRICTION

~~COPY~~

In Re: Lot 1 of Waupaca County Certified Survey Map No. 4968, Recorded in Volume 16 of Certified Surveys on page 31 in the Waupaca County Register of Deeds Office, located in the City of Waupaca, Waupaca County, Wisconsin, which is also part of Lots 1,2,9, and 10, Block 2, Original Plat of the Village (Now City) of Waupaca, Waupaca county, Wisconsin. Located in the N.E. ¼ of the N.E. ¼ of Section 30, Town 22 North, Range 12 East. Also being all of C.S.M. # 1451-4-425 and vacated alley.

This document is being re-recorded to correct the CSM number.

REGISTER'S OFFICE
WAUPACA COUNTY WI
RECEIVED FOR RECORD

JUL 29 1999

At 10:10 o'clock A Mand Recorded
In Vol. 950 Keenick on Page 719

STATE OF WISCONSIN

COUNTY OF WAUPACA

WHEREAS, Richard Brodnan is the owner of the above described property.

WHEREAS, one or more petroleum related discharges have occurred at this property. Petroleum contaminated groundwater above ch. NR 140, Wis. Adm. Code enforcement standards exists on this property at the following location(s): 1010parts per billion total Trimethylbenzene in Monitoring Well 1(MW-1) as shown in Figure 3b which is attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140, Wis. Adm. Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. 809, Wis. Adm. Code is restricted by ch. NR 811, Wis. Adm. Code and ch. NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific prohibitions or requirements are applicable and to obtain Department approval, prior to constructing or

VOL 950-25719
Recording Area

REC'D SEP 15 1999

REGISTERS OFFICE
WAUPACA COUNTY WI
RECEIVED FOR RECORD

JUL 23 1999

At 2:00 o'clock P M and Recorded
In Vol. 250 Page 147
Thomas E. Remon Register

Steven D. Shambeau
P.O. Box 111
Waipaca, WI 54981

Name and Return Address

OCT 12 1999

TRACKED ☐
REVIEWED ☐

34-30-11-32
34-30-11-33

Parcel Identification Number (PIN)

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination can be recorded to give notice that this groundwater use restriction or portions of this groundwater use restriction are no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 23rd day of July, 1999.

Signature: Richard Bradnan

Printed Name: Richard Bradnan

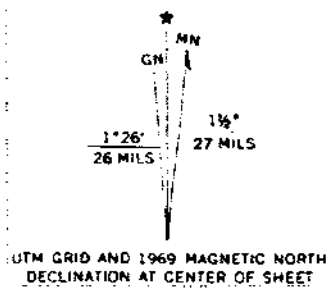
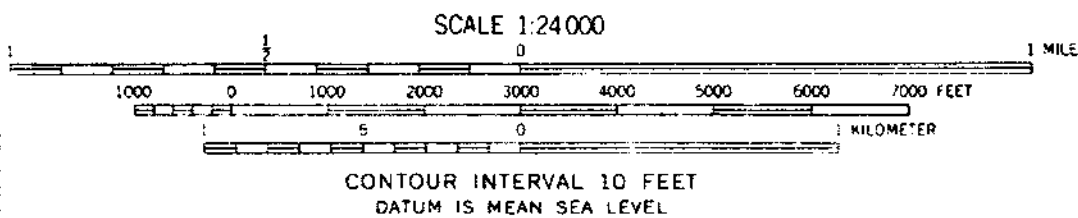
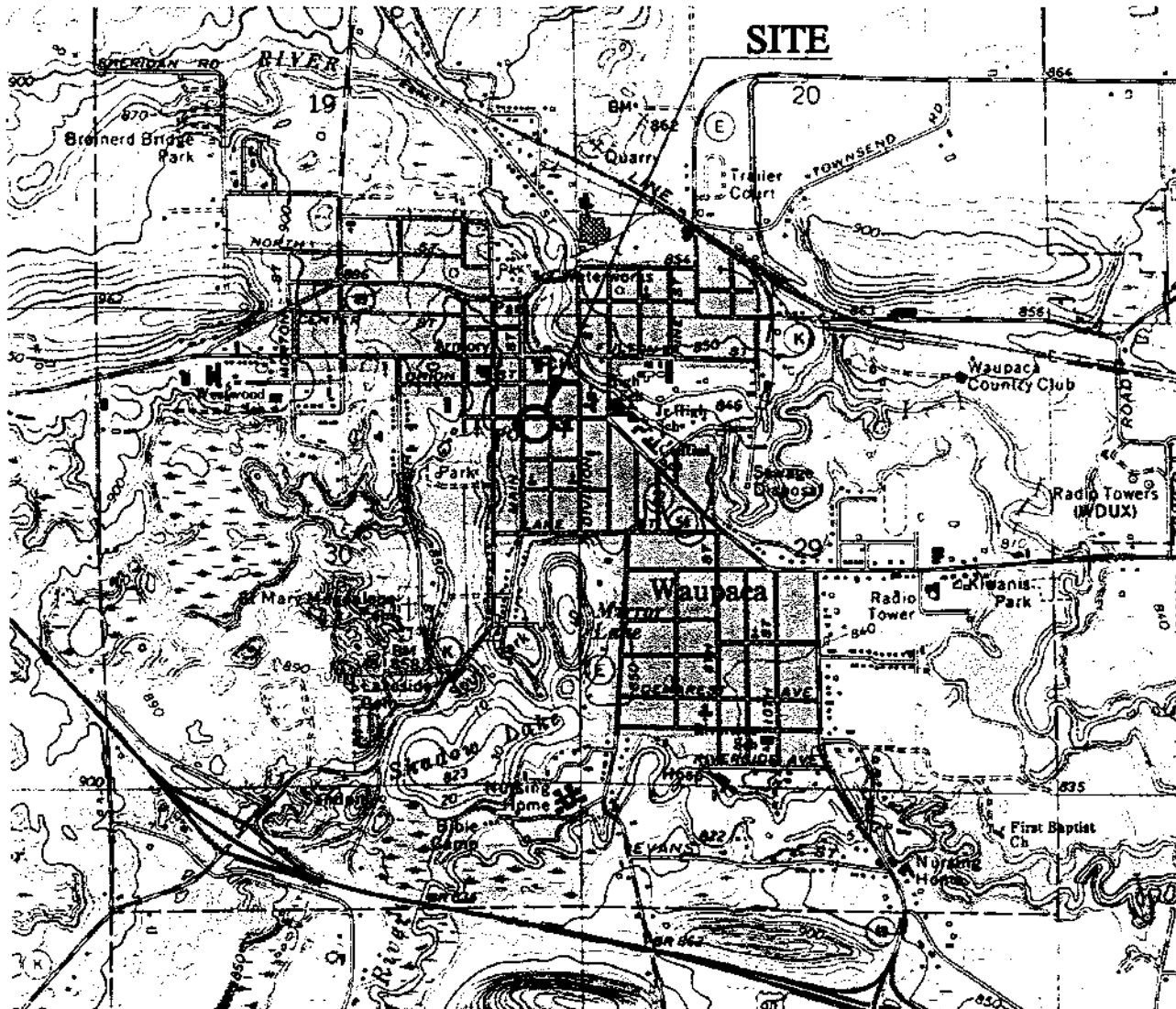
Subscribed and sworn to before me

this 23rd day of July, 1999.

Steven D. Shambaugh
Notary Public, State of Wisconsin

My commission is permanent

This document was drafted by the Wisconsin Department of Natural Resources



WAUPACA, WIS.
SE 1/4 WAUPACA 15' QUADRANGLE
N4415-W8900/7.5

1969

RICH'S AMOCO
110 E. BADGER STREET
WAUPACA, WISCONSIN

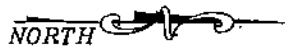
FIGURE 1 : SITE VICINITY MAP

PROJECT NO.

#0833

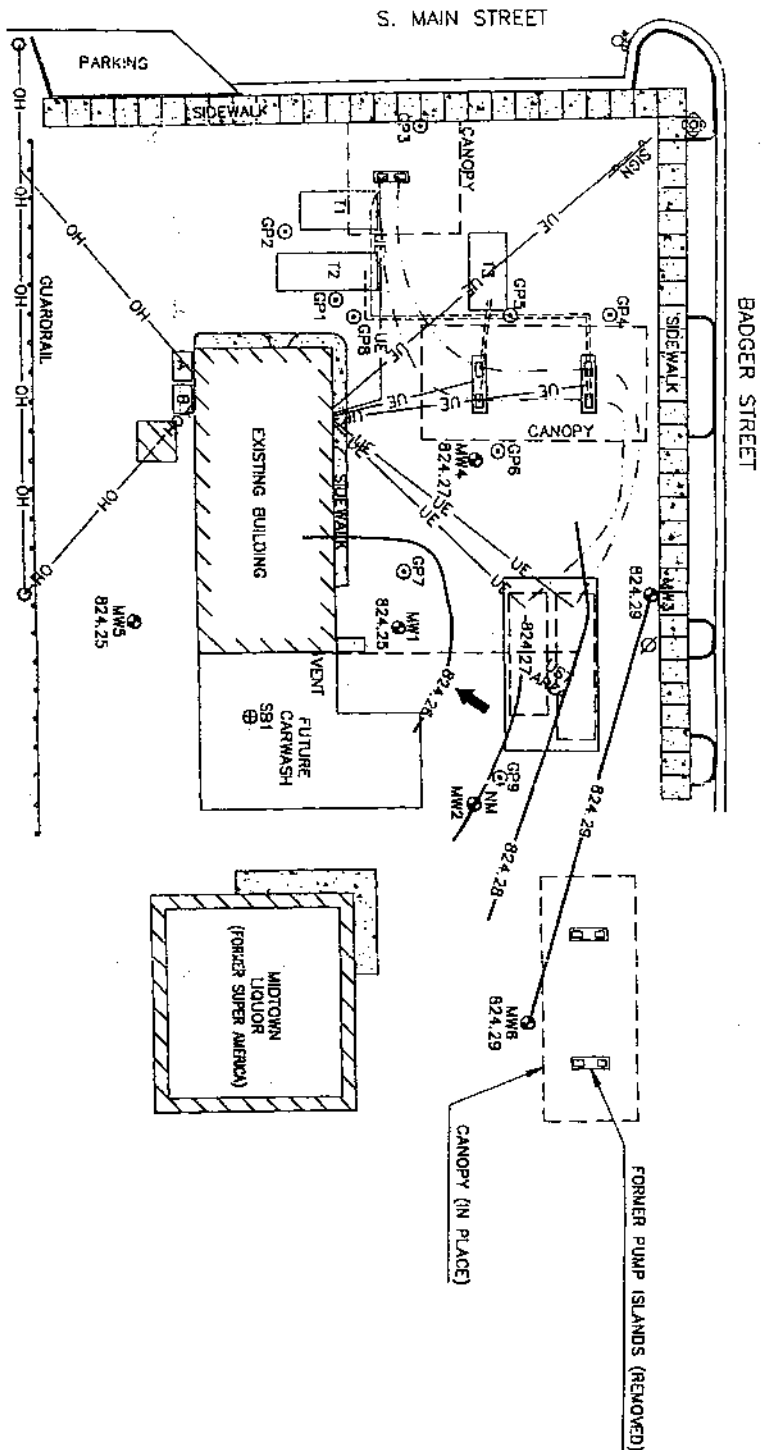
DRAWN BY:
TAW

DATE:
1/9/99



LEGEND
0 30
SCALE: 1" = 30'

- ⊙ - MONITORING WELL
- ⊙ - SOIL BORING
- ⊙ - GEOPROBE SOIL BORING
- A - 500 GAL. FUEL OIL (REMOVED)
- B - 500 GAL. WASTE OIL (REMOVED)
- T1 - 6,000 GAL. UNLEADED UST (REMOVED)
- T2 - 6,000 GAL. UNLEADED UST (REMOVED)
- T3 - 6,000 GAL. UNLEADED UST (REMOVED)
- ⊙ - WATER SHUT OFF
- ⊙ - TRAFFIC SIGNAL
- ⊙ - POWER POLE
- OH — OVERHEAD UTILITIES LINE
- G — GAS LINE
- UE — UNDERGROUND ELECTRICAL
- NEW — NEW PRODUCT PIPING
- FORMER — FORMER PRODUCT PIPING
- GROUNDWATER FLOW DIRECTION
- 824.29 - GROUNDWATER CONTOUR LINE (INTERVAL = 0.01 FT. - MSL)



RICH'S AW
110 E. BADGER
WAUPACA, WI

FIGURE 3b : GROUNDWATER CONTOURS

PROJECT No. DRAWN BY: JS

#0833

TABLE 2a

**GROUNDWATER ANALYTICAL RESULTS
RICH'S CITGO
WAUPACA, WISCONSIN**

MW-1			
PARAMETER	ES	PAL	9/8/98
GRO mg/L			NA
Detected VOCs ug/L			
Benzene	5	0.5	X
Toluene	343	68.6	X
Ethylbenzene	700	140	X
Xylene (total)	620	124	52
MTBE	60	12	X
1,2,4-Trimethylbenzene			750
1,3,5-Trimethylbenzene			260
n-Butylbenzene			160
p-Isopropyltoluene			160
Naphthalene	40	8	
n-Propylbenzene			69
Dissolved Lead ug/L	15	1.5	5.5
Natural Attenuation Parameters mg/L			
Iron	0.3	0.15	0.14
Nitrate-Nitrogen	10	2	0.086
Sulfate	250	125	22
Field Measurements			
Temperature (°F)			55.81
Conductivity (ms/cm)			690
Dissolved Oxygen (mg/L)			1.91
pH			6.80
Redox Potential (mV)			146.0

Notes:

NA - Not Analyzed

ES - Enforcement Standard

PAL - Preventative Action Limit

X - Not Detected

 - Exceeds ES

 - Exceeds PAL

← 56

NORTH

